

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

**JANETTA W. DAYSE,**

**Plaintiff,**

**-vs-**

**DR. JAMES G. ROCHE,  
SECRETARY, DEPARTMENT  
OF THE AIR FORCE**

**Defendant.**

---

|

|

|

|

|

|

|

**CA NO: 3:04-22462**

**ORDER**

The plaintiff, Janetta Dayse, proceeding *pro se*, has filed the instant employment discrimination case pursuant to Title VII of the Civil Rights Act of 1964, as amended and 42 U.S.C. § 1983. The plaintiff alleges *inter alia* that her employer subjected her to disparate treatment based on race and retaliation.

The defendant, Dr. James G. Roche, Secretary of the United States Air Force, denies the plaintiff's allegations and has filed a motion for summary judgment. The matter is now before the Court upon the Report and Recommendation of the United States Magistrate Judge recommending summary judgment in favor of the Defendant as to plaintiffs disparate treatment claims and denial of summary judgment on plaintiff's retaliation claim.

As to his findings on dispositive matters, the Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the

responsibility to make a final determination remains with the court. See Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Recommendation to which specific objection is made.

Here, neither party has filed objections to the Report and Recommendation. Nonetheless, this Court has made a *de novo* review of the record before it. The Court observes that the plaintiff is proceeding *pro se* and the Court recognizes that such *pro se* complaints and petitions are held to a less stringent standard than those drafted by attorneys.

Upon careful consideration, the Report and Recommendation of the Magistrate Judge is approved. For the reasons set forth in the Report and Recommendation of the Magistrate Judge, the defendant's motion for summary judgement is GRANTED as to plaintiff's disparate claim and DENIED as to plaintiff's retaliation claim.

IT IS SO ORDERED.

s/MATTHEW J. PERRY, JR.  
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
October 11, 2006